



UNITED STATES OF AMERICA
Federal Trade Commission
Washington, D.C. 20580

Division of Financial Practices
Bureau of Consumer Protection

VIA CM/ECF

June 20, 2024

Hon. Sarah L. Cave
U.S. District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
Courtroom 18A
500 Pearl Street
New York, NY 10007

RE: *Federal Trade Commission v. Voyager Digital, LLC, et al.*, No. 1:23-cv-08960-GHW-SLC (S.D.N.Y.)

Joint Letter on the Status of Discovery

Dear Magistrate Judge Cave:

Pursuant to the Court's May 20, 2024 Order, Plaintiff the Federal Trade Commission ("FTC"), Defendant Stephen Ehrlich and Relief Defendant Francine Ehrlich (collectively, "the parties") respectfully submit the following report.

The parties have exchanged discovery requests and written responses and objections, and have made rolling document productions. The parties have exchanged letters outlining their positions as to alleged discovery deficiencies and have met and conferred to discuss and attempt to resolve outstanding issues, and will continue to do so.

The FTC has received a voluminous production from settled defendant Voyager, which it has produced to the Ehrlich Defendants pursuant to their discovery requests. The FTC issued a non-party subpoena for documents this week and will provide a copy of responsive material received to the Ehrlich Defendants. The Ehrlich Defendants anticipate making a further production of responsive material to the FTC this week and, subject to any further inquiry or discussion with the FTC, a final production during the week of July 8. The Ehrlich Defendants also anticipate sending document subpoenas to non-parties within the next week and will review and provide a copy of responsive materials received to the FTC.

The parties anticipate that they will need time to review the production from Voyager referred to above, which consists of close to half a million pages, as well as remaining discovery productions, and those from non-parties, before taking efficient and productive depositions. The parties are proceeding expeditiously and have worked diligently to complete fact discovery by

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August 16, 2024. Given the proximity of that date, the parties are discussing the feasibility of completing fact discovery by the current deadline. The FTC has noted its concern that the case proceed without undue delay. The Ehrlich Defendants also do not seek unwarranted delay, while recognizing the impact of the discovery matters and other developments in the case. The parties will continue to discuss the potential submission of a letter motion and proposed revised case management plan.

Respectfully submitted,

FOR PLAINTIFF:

/s/ Mark Glassman

Mark Glassman
Quinn Martin
Sanya Sharasbi
Federal Trade Commission
600 Pennsylvania Ave., NW
Mail Drop CC-10232
Washington, DC 20580
(202) 326-2826
mglassman@ftc.gov
qmartin@ftc.gov
sshahrasbi@ftc.gov

**FOR DEFENDANT STEPHEN EHRLICH
AND RELIEF DEFENDANT FRANCINE
EHRLICH:**

/s/ Helen Harris

Helen Harris
Day Pitney LLP
One Stamford Plaza, 7th Floor
263 Tresser Boulevard
Stamford, Connecticut 06901
T: (203) 977-7418
F: (203) 399-5884
hharris@daypitney.com

Matthew Letten
Johanna Lerner
Day Pitney LLP
225 Asylum Street
Hartford, Connecticut 06103
T: (860) 275-0100
F: (860) 275-0343
mletten@daypitney.com
jlerner@daypitney.com

Sarah Krissoff
Cozen O' Connor
3 WTC, 175 Greenwich Street
New York, NY 10007
T: (212) 908-1388
F: (646) 225-5128
skrissoff@cozen.com